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## **Report: Ethics board isn't doing its job**

### **Staff Reports** **Associated Press**

BUFFALO — A report issued Thursday by the Erie County Comptroller states that the county's Board of Ethics hasn't been doing its job in enforcing the ethics code.

County Comptroller Mark Poloncarz says the board, which is supposed to be comprised of six members, has operated without a quorum since 2007, and that there currently are five vacancies on the board, leaving only one member.

The report states that while the board collects information on potential conflicts of interest, "no one is performing an analysis on that information."

"Our report clearly shows that the Board of Ethics is not an active, functional entity that pursues possible violations of the Code of Ethics and investigates county employees and officials over their annual ethics disclosure forms," Poloncarz said.

His report criticizes the Board of Ethics for failing to review ethics disclosure forms filed annually by county officials. In addition, board members believe they don't have the power to review the substance of the forms that are filed. "The board has merely, and barely at that, performed a clerical role for the past three years of confirming who has filed. That is unacceptable and does not adhere to their statutory mission," Poloncarz said.

The comptroller's report offers a number of recommendations, including calling on the County Legislature to draft legislation that updates the Code of Ethics, originally created in 1973. The code was amended two years later and replaced in its entirety in 1989.

During the review period of 2007 to 2010, the Board of Ethics was comprised, at various points, of seven different individuals. The board was fully composed of six members in 2007 but dropped to three in 2008 and 2009. By this year, there were only two members, Maria LoTempio-Dines and Steven Schwartz. LoTempio-Dines resigned, leaving Schwartz as the board's sole member, according to the comptroller's report.

"The board does not have a quorum and cannot function," the report states.

The county executive, through a spokesman, disputed the report's findings. "The Erie County Board of Ethics is a properly constituted board and any vacancies will be filled by the County Executive in a timely fashion. All administration personnel in policy making positions complete ethics disclosures each year," Grant Loomis, Collins' communications director, said in a

statement issued to the Tonawanda News.

Poloncarz, who is a Democrat, said the report was conducted with resistance from the board's former chairman, David Mineo, and Collins, a Republican. As a result, Poloncarz issued subpoenas seeking the requested information. Poloncarz says the subpoenas were ignored, but a State Supreme Court judge ultimately ruled in his favor, ordering Collins and the board to cooperate with the review.

Among the report's other findings, the ethics board operates without a set of written by-laws, policies and guidelines. "As a result, it is not clear how the board would act if a conflict of interest were to be discovered," the report states, adding that the board didn't record meeting minutes for 2008 and has an incomplete record of what occurred in 2007 and 2009.

"It is also unclear ... how the board conducts a meeting and when it believes a violation of the code has taken effect," the report states.

It also accuses county officials and employees of failing to disclose their interests in county contracts, a requirement under the ethics code.

In addition, the report says it is difficult for individuals to report conflicts of interest to the Board of Ethics because it doesn't have a formal mailing address, e-mail address, website or telephone number, and also doesn't publicize its meetings.

"Therefore," the report continues, "someone who wished to contact the board or report an alleged conflict of interest would find the process difficult."

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